



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,807	02/01/2001	Yvonne F. Bell	JHM810	2614

7590 03/11/2005
Joseph H. McGlynn
6111 Saddle Horn Dr.
Fairfax, VA 22030

EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,807

Applicant(s)

BELL, YVONNE F.

Examiner

Luke Gilligan

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02012001</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3626

Claims 1-5 have been examined.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

3. For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

4. In the present case, claim 5 only recites an abstract idea. The recited steps of merely providing a death notice to a funeral home, transmitting the death notice to concerned entities, and providing compensation to beneficiaries based on the notice does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how distribute and use a death notice.

Art Unit: 3626

5. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 1 is deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over PR Newswire, New York State Relies on Sybase to Simplify and Streamline Processing of Death Certificates (hereinafter EDRS, paragraphs numbered by Examiner) in view of Perry et al., U.S. Patent No. 5,241,466.

8. As per claim 1, EDRS discloses a computer network system used to inform concerned entities that a person has died, said computer network system comprising: a hospital notification center which transmits a death notice to a funeral home informing the funeral home of the death of an individual (see paragraph 1); a funeral home to receive the death notice from the hospital notification center (see paragraph 1); said funeral home being linked by a computer network to concerned entities (see paragraph 2); concerned entities linked to said computer network to the funeral home (see paragraphs 1 and 2); said concerned entities including an insurance company having a policy on the individual who has died (see paragraph 2). The EDRS reference does not explicitly teach that a concerned entity is the Social Security Administration. Perry teaches a centralized system that monitors death notifications and links concerned entities including the Social Security Administration (see column 2, lines 31-36 and column 4,

Art Unit: 3626

lines 50-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to broaden the applicability of the EDRS system to other concerned entities such as the Social Security Administration. One of ordinary skill in the art would have been motivated to broaden this technology in this way for the purpose of further improving workflow and saving the expense of the various paperwork involved in processing death notices with different agencies (see paragraph 5 of EDRS).

9. As per claim 2, EDRS in view of Perry teach the system of claim 1 as described above. EDRS further discloses said concerned entities include a government entity charged with maintaining vital statistics within a community including deaths (see paragraph 4).

10. As per claim 3, EDRS in view of Perry teach the system of claim 2 as described above. EDRS further discloses said hospital notification center is linked to said funeral home by a digital transmitting medium and hardware capable of transmitting a digital signal from the hospital notification center which can be received by the funeral home (see paragraph 1).

11. As per claim 4, EDRS in view of Perry teach the system of claim 3 as described above. EDRS does not explicitly disclose including a pension plan administration office linked to said funeral home through the computer network to receive and transmit digital signals. Perry discloses a pension plan administration office linked to said centralized system through the computer network to receive and transmit digital signals (see column 2, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to broaden the applicability of the EDRS system to other concerned entities such as a pension plan administration office for the reasons given above with respect to claim 1.

12. Claim 5 recites substantially similar method limitations to system claim 1 and, as such, is rejected for similar reasons as given above.

Art Unit: 3626

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

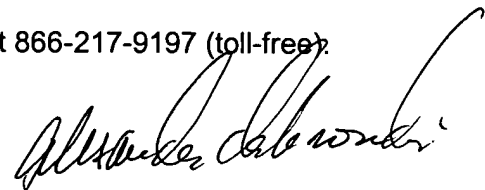
- Evans teaches a Funeral Home system for receiving and dissemination death related information.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CLG
3/7/05



ALEXANDER KALINOWSKI
PRIMARY EXAMINER